

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PAULETTE DILWORTH,)
)
Plaintiff,) Case No: 1:16-cv-04837
v.)
) Judge Joan B. Gottschall
SMARTPAY LEASING, INC.,)
)
Defendant.)

DEFENDANT'S MOTION TO COMPEL ARBITRATION

Defendant, SmartPay Leasing, Inc., ("SmartPay"), by counsel, moves pursuant to the Federal Arbitration Act, 9 U.S.C. § 1, *et seq.*, (the "FAA"), for an order compelling Plaintiff Paulette Dilworth ("Dilworth") to arbitrate the claims she asserts in this action.

This Motion is made on the grounds that a valid, enforceable and irrevocable agreement to arbitrate exists between the parties that encompasses the claims brought by Dilworth. Pursuant to the FAA, upon election by either party, Dilworth must arbitrate her claims on an individual basis, as required by the arbitration agreement in the cardholder agreement Dilworth entered into SmartPay when she executed a lease purchase agreement with SmartPay to obtain a cellular telephone. Pursuant to the FAA, this action must be stayed pending completion of the arbitration. SmartPay requested that Dilworth stipulate to proceeding in arbitration prior to filing this motion; Dilworth did not respond.

This motion will be based upon this Motion, the Memorandum of Points and Authorities, the Declaration of Winnie Lai, all papers and pleadings on file, and all other evidence or argument the Court may permit at the hearing in this matter.

Respectfully submitted,

SMARTPAY LEASING, INC.

By: /s/ James J. Morrissey
One of its attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2016, I electronically filed the foregoing **Motion to Compel Arbitration** with the Clerk of the Court using the CM/ECF system, which will send a notification to all attorneys of record in this matter.

/s/ James J. Morrissey